

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|----------------------|---|-------------------------|
| KEVIN STRAUB, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:04CV1110 RWS |
| |) | |
| CORRECTIONAL MEDICAL |) | |
| SERVICES, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

On March 29, 2006, I entered an Order granting plaintiff an extension of time, up to and including May 3, 2006, to respond to the Court's March 20, 2006 Order to Show Cause and to comply with the provisions of the case management order. In that Order, I specifically warned plaintiff that his failure to comply with my Order could result in the imposition of sanctions, including the dismissal of his action with prejudice.

Plaintiff has failed to comply with my Order dated March 29, 2006, and his time for doing expired two weeks ago. Plaintiff has refused to prosecute this action by failing to comply with the initial disclosures provision in the case management order, and the discovery deadline has now passed. As defendants contend in their unopposed motion to compel, they are unduly prejudiced in their ability to prepare a

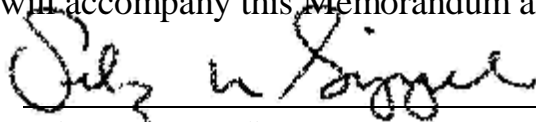
defense without this basic required information. In addition to his refusal to participate in discovery, plaintiff has also ignored the Orders of this Court by failing to respond to the Order to Show Cause and the Order dated March 29, 2006. As plaintiff was reminded in my last Order, despite his pro se status plaintiff remains responsible for prosecuting his own case by complying with my Orders and the Federal and Local Rules of Civil Procedure. Because he has failed to do so, I will dismiss this action with prejudice for failure to prosecute and for failure to comply with the Orders of this Court.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's complaint is dismissed with prejudice for failure to prosecute and for failure to comply with the Court's Orders dated March 20, 2006 and March 29, 2006.

IT IS FURTHER ORDERED that defendants' motion to compel [#94] is denied as moot.

A separate Order of Dismissal will accompany this Memorandum and Order.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 17th day of May, 2006.